

Message Text

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C O N F I D E N T I A L SEOUL 2662

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E.O. 11652: GDS

TAGS: PGOV KS US

SUBJ: EXPLORATION OF FORMULA FOR CONGRESSIONAL ACCESS TO KIM
DONG JO

REF: STATE 81720

SUMMARY: LAST EVENING (MARCH 31) BOTH AMBASSADOR KIM YONG-SHIK AND FONMIN PARK TONG JIN INDICATED DEGREE OF FLEXIBILITY ON KIM DONG JO CASE, WITH AMBASSADOR KIM AUTHORIZED BY THE PRESIDENT PARK TO EXPLORE COMPROMISE SOLUTION WITH CONGRESSIONAL COMMITTEES. SENIOR NATIONAL ASSEMBLY LEADERS BOTH PARTIES PRIVATELY EXPRESSED SUPPORT FOR SUCH EFFORTS. END SUMMARY.

1. LAST EVENING, I TALKED PRIVATELY WITH AMBASSADOR KIM AND THEN LATER WITH FONMIN PARK TO GET CURRENT READING ON ROKG POSITION WITH REGARD CONGRESSIONAL ACCESS TO KIM DONG JO. AMBASSADOR KIM, WHO WAS MORE FORTHCOMING, SAID THAT HE HAD MET SECOND TIME WITH PRESIDENT PARK ON KIM DONG JO QUESTION AND PARK HAD AUTHORIZED HIM TO EXPLORE FORMULA FOR CONGRESSIONAL ACCESS TO KIM DONG JO WHICH WOULD NOT BE INCONSISTENT WITH THE VIENNA CONVENTION. ACCESS WOULD HAVE TO BE ON "PERSONAL" BASIS AND AVOID FACE-TO-FACE MEETING WITH COMMITTEES WHICH COULD BE CONSTRUED AS DIRECT INTERROGATION. BOTH KIM DONG JO APPEARANCE BEFORE COMMITTEE IN WASHINGTON OR ELSEWHERE
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AND DIRECT MEETING WITH CONGRESSIONAL COMMITTEE AND STAFF IN SEOUL ARE RULED OUT AS POTENTIALLY COUNTRAVENING VIENNA CONVENTION. ON THE OTHER HAND, COMBINATION OF DIRECT PHONE DIALOG AND SOME FORM OF WRITTEN STATEMENT CONSIDERED POTENTIALLY WITHIN BALLPARK. AMBASSADOR KIM SAID THAT WITHIN FRAMEWORK OF VIENNA CONVENTION RESTRICTIONS, HE HAS FLEXIBILITY TO FIND FORMULA MUTUALLY AGREEABLE AS SOON AS

POSSIBLE AND INDICATE TO CONGRESSIONAL COMMITTEES DESIRE OF ROKG TO COOPERATE WITH ITS EFFORTS. AMBASSADOR KIM DEPARTS MONDAY AND PLANS ARRIVE WASHINGTON WEDNESDAY OR THURSDAY AFTER STOP IN HONOLULU.

2. FONMIN CONFIRMED THRUST OF ABOVE WITHOUT PROVIDING MANY OF DETAILS. HE STATED THAT KOREAN GOVERNMENT ANXIOUS TO SETTLE ISSUE OF KIM DONG JO AS SOON AS POSSIBLE ON BASIS WHICH SATISFIES AT LEAST MINIMUM REQUIREMENTS OF BOTH COMMITTEE AND ROKG AND DOES NOT INVOLVE KOREAN GOVERNMENT LOSS OF FACE OR COUNTRAVENTION OF VIENNA CONVENTION. HE CONFIRMED THAT AMBASSADOR KIM WOULD HAVE CONSIDERABLE SCOPE OF FLEXIBILITY WITHIN THIS FRAMEWORK AND AUTHORIZATION TO REACH AGREEMENT WITH CONGRESSIONAL COMMITTEES. KIM DONG JO OBVIOUSLY PREPARED TO COOPERATE. ON OTHER HAND, IF PRESSURES OR THREATS TO REFUSE TRANSFER LEGISLATION MADE, ROKG WOULD RESIST AND BECOME LESS COOPERATIVE. HE ADDED THAT, WHILE FRASER COMMITTEE HEARINGS CONTINUE TO RANKLE ROKG, ROKG PREPARED TO IGNORE THEM IN INTEREST OF ARRIVING AT MUTUALLY AGREEABLE SETTLEMENT AS SOON AS POSSIBLE.

3. IN SEPARATE CONVERSATIONS SAME EVENING, NDP LEADER LEE CHUL SEUNG AND FOREIGN AFFAIRS COMMITTEE CHAIRMAN CHOI EXPRESSED SIMILAR VIEWS AND HOPED THAT WITHIN VIENNA CONVENTION RESTRICTIONS, FORMULA COULD BE FOUND PERMITTING SOME FORM OF KIM DONG JO ASSISTANCE WHICH WOULD QUICKLY EASE KOREA'S CONGRESSIONAL CONFIDENTIAL

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PROBLEM. NEITHER EXHIBITED PAST TENDENCIES TO STAND DEFIENTLY ON PRINCIPLES AS WAS CASE IN EARLY CONSIDERATION OF TONGSUN PARK AFFAIR. I AND MY COLLEAGUES HAVE ENCOURAGED KOREANS TO PROCEED WITH MAXIMUM FLEXIBILITY WITHOUT GETTING TOO FAR INTO DETAILS OF WHAT WOULD BE SATISFACTORY ARRANGEMENT.

4. COMMENT: AS CLEAR FROM ABOVE CONVERSATION, AND FROM CAREFULLY ORCHESTRATED PRESS COMMENTARY, MOOD HERE IS CERTAINLY ONE OF COOPERATIVENESS AND EVEN ANXIETY TO FINISH OFF KIM DONG JO ACCESS PROBLEM, ALTHOUGH RULING OUT FACE-TO-FACE MEETING WITH COMMITTEE AS COUNTRAVENING VIENNA CONVENTION. AMBASSADOR KIM GIVEN CONSIDERABLE LATITUDE WITHIN THIS FRAMEWORK TO OPERATE ON HIS OWN, REFLECTING IN PART HIS SUCCESS IN WORKING OUT DETAILS FOR TONGSUN PARK APPEARANCES BEFORE CONGRESSIONAL COMMITTEES, WHOSE OUTCOME HAS CLEARLY BEEN QUITE SATISFACTORY TO ROKG. MOOD IN THIS CASE CONTRASTS STRIKINGLY WITH EMOTIONAL NEGATIVISM WE HAD TO FACE ON TONGSUN PARK CASE. IN PART, THIS RESULT OF SATISFACTORY OUTCOME FROM ROK VIEW-

POINT OF TONGSUN PARK TESTIMONY BOTH BEFORE CONGRESSIONAL COMMITTEES AND JUSTICE DEPARTMENT INVESTIGATORS. IN PART, IT REFLECTS DEEP APPRECIATION FOR FIRM STAND TAKEN BY ADMINIS-

TRATION ON VIENNA CONVENTION PRINCIPLES AND ABSENCE OF STATE
DEPARTMENT PRESSURES. FINALLY, RECENT WILLINGNESS OF ETHICS
COMMITTEE TO AVOID PUBLIC PRESSURES OR THREATS AND INDICATE
SOME FLEXIBILITY ON THEIR PART RE KIM DONG JO CASE HAS CON-
TRIBUTED TO MORE COOPERATIVE MOOD ON PART OF KOREANS. WITH
AMBASSADOR KIM'S RETURN TO WASHINGTON, BALL IS NOW IN WASHING-
TON'S COURT WHILE WE WILL CONTINUE TO NOURISH HERE MOOD OF COOPERATIVE-

NESS AND FLEXIBILITY.
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